

1 Q. Under water?

2 A. Under water. And then ride underneath the
3 bottom of the barge.

4 Q. So you jumped off the skiff, the skiff is
5 sinking and the tide and the current --

6 A. Push it towards me. Push it under it.

7 Q. Takes --

8 A. Right.

9 Q. -- takes the skiff right at you and the skiff
10 is being propelled solely by water forces?

11 A. Water force, right.

12 Q. No engine or motor --

13 A. No.

14 Q. -- propelling it?

15 A. No.

16 Q. What part of the skiff hit you?

17 A. The bow.

18 Q. Where did the bow hit you?

19 A. It got my legs first.

20 Q. Where on your legs?

21 A. It was -- I think more my right leg.

22 Q. What part of your leg, your upper up towards
23 the buttocks?

24 A. Yeah, I had scratches all the way up my back

1 by the time they finally got me out.

2 Q. So you've got your back to the skiff that
3 you've just jumped off?

4 A. Yeah.

5 Q. Are your hands on the tires?

6 A. Yes. Not that way this way (indicating).

7 Q. This way.

8 And the sinking skiff so it hit you
9 under water?

10 A. Right. It won't sink all the way. It has
11 flotation devices in it.

12 Q. And it hit you in the leg first?

13 A. It got my right leg and then it started
14 sucking me under and just worked all the way
15 up. It hit me and when it came under, it
16 went like, that's how it sunk. Like I
17 explained to you, the rake that was going up
18 and when it came down, the port side of it
19 hit me first and then the current took it and
20 took me at the same time. And by the time it
21 was done, the starboard side of the skiff was
22 halfway up my back pulling me under. And
23 that's when Kenny King and Frankie Pilate
24 pulled me.

1 Q. So you were pinned between the skiff and the
2 portion of the dredge where the tires are?

3 A. On the tire, right.

4 Q. And I just want to take you through this
5 slowly again then. You told me how the skiff
6 hit your leg first and then at that point
7 you're right up against the dredge anyway,
8 aren't you?

9 A. I'm right up against the tire on the dredge.

10 Q. Right.

11 A. I'm almost hugging it trying to get up.

12 Q. And it hits you in the legs?

13 A. Right.

14 Q. And it keeps going forward?

15 A. It was sinking, like I told you, on the port
16 side. It was up on the rake and then the
17 pressure of the water pushed it down and
18 that's what got me first was the port side of
19 the skiff.

20 Q. Right.

21 A. Now, once it got away from the rake, it
22 flipped back to where the whole bow of it,
23 which is a flat bow got me from my, you know,
24 from my leg all the way up to my back. I

1 mean, I had scratches up my back where it had
2 gotten me.

3 Q. And were you pinned --

4 A. And that's why it pulled me under because it
5 flipped back the other way. It's the only
6 way it got me.

7 Q. Do you think if I gave you a piece of paper,
8 you can give me a diagram of all this just so
9 I can visualize where everything is
10 positioned?

11 MR. ROSENTHAL: And I'm going to
12 object for the record to the asking of any
13 sort of artwork on behalf of Mr. Ramsey as
14 he's not an artist and things aren't going to
15 be to scale.

16 MR. MURPHY: All right.

17 MR. ROSENTHAL: I'll let him do
18 this, but not if you plan to use it at trial
19 against him.

20 MR. MURPHY: I'm just trying to get
21 an idea of I guess whether it's admissible or
22 whether I'm -- it seems like a long way off,
23 whether, you know, those kind of decisions,
24 and, you know, I think rules of evidence

1 would just apply. I mean, I'm not sure how I
2 would use it against him. I mean, I might
3 use it just to establish -- like I say, I
4 don't see how I can use it against him per
5 se. Do you want to go off the record on
6 this?

7 MR. ROSENTHAL: No, we can stay on
8 the record.

9 MR. MURPHY: If we were to say --

10 Q. And this is hypothetical, sir, I'm not
11 saying that you would say this --

12 MR. MURPHY: If he was to say there
13 was no barge in the vicinity of my incident,
14 I think, yes, I would think I would want to
15 pull out the diagram and say well, you drew
16 me a thing and you labeled it barge and you
17 told me it was there. So I mean, I'm not
18 going to --

19 MR. ROSENTHAL: Well, I mean his
20 testimony also says the same thing.

21 MR. MURPHY: That's what I mean.
22 I'm just saying -- so I'm just trying to get
23 an idea.

24 MR. ROSENTHAL: Do you feel

1 comfortable drawing?

2 THE WITNESS: Yes. This is fine.

3 As long as you don't object to it.

4 MR. ROSENTHAL: Well, I stated my
5 objection for the record.

6 A. (Witness drawing.)

7 Q. Let me just take you through this before we
8 go any further. Just because a week from now
9 this will be difficult to -- can you label --
10 you've drawn -- what have you drawn? This is
11 the dredge?

12 A. This is the dredge.

13 Q. Can you write Dredge and so we know that
14 that's the dredge?

15 A. What I'll -- do wait a minute.

16 Q. D.

17 A. I know. Wait a second. I want you to know
18 which side is which, too. This is the bow
19 (indicating).

20 Q. Okay. And that's the stern. Why don't you
21 write in Stern?

22 A. (Witness complies).

23 Q. And would you also write that that's the
24 dredge?

1 A. You can write that yourself. How's that?

2 I'm going to do this for you. This here is
3 where -- this is the dredge, okay? This is
4 the scow.

5 Q. Just put a D there?

6 A. (Witness complies).

7 Q. And put an S for scow.

8 A. (Witness complies).

9 And this is the front of the scow.
10 There's a rake on it (indicating).

11 Q. Put an X where the front and the rake is.
12 You're showing me.

13 A. I'll put bow here (indicating). We're going
14 backwards for a reason. You know what I'm
15 saying?

16 Q. Yes.

17 A. Now here's where I came through
18 (indicating). Now, of course, there's water
19 up to here (indicating). My cables are not
20 exposed, only maybe six feet of cable and the
21 rest of it is under water. This is all water
22 (indicating).

23 Q. You've drawn a line for the water?

24 A. All right. This is the water, right?

1 Q. Right.

2 A. I was here (indicating). I backed up
3 through this which I can --

4 Q. Draw a line with an arrow so I can understand
5 this.

6 A. Back up through here (indicating).

7 Q. Yes.

8 A. Backed up over the cables because I can --
9 they're submerged. There's an anchor here
10 and anchor here (indicating). I came through
11 here and this is where it stalled
12 (indicating).

13 Q. Put an X where it stalled?

14 A. (Witness complies).

15 Q. And the cables are --

16 A. No, no, this is not existing. These are way
17 under me. These are 30 feet under me.

18 Q. But where you stalled, the cables are 30 feet
19 under you?

20 A. More or less. It could be 20. But I
21 stalled here (indicating). And then the tide
22 started taking me in this way (indicating).
23 And this is where my bow hit my -- right, my
24 port side hit here and there's a rake, of

1 course, right here on the bow of this
2 (indicating).

3 Q. Right.

4 A. And that's where I hit. I ended up about
5 this far ahead and this is where I ended up,
6 right about here (indicating). And that's
7 where it hit here (indicating). And then
8 because of the rubber on the sides, it went
9 like that and started taking on water on this
10 side, all right. And then when it rolled
11 down the rake, that's when it got me here
12 because I was hanging here (indicating). And
13 then when it got to me and hit me and flat --
14 got on the flat bottom of this scow, that's
15 when it straightened out. Because it first
16 started doing this on the rake. Understand?

17 Q. Yes.

18 A. And then it went straight because now the
19 bottom of this scow is flat bottom of course.
20 And now it came up straight and that's when
21 it pinned me here. And then these two guys
22 pulled me out that way (indicating).

23 Q. So just --

24 A. Like I said, I'm no artist so.